



Personnel and Administrative Policy and Procedure

SUBJECT: Return to Work Program (Previously Light Duty Assignments)	EFFECTIVE DATE: October 1, 2008 REVIEWED: May 2011 REVISED:
CATEGORY: 200 POLICY NUMBER: 200.50	CROSS REFERENCE: Compensation System Administrative Policy and Procedure 200.8; Safety Manual, Chapter 4; Sick Leave Administrative Policy and Procedure 200.51

Purpose: To assist City employees who have sustained a compensable injury in returning to work as soon as possible.

Definitions:

Compensable Injury: An injury that is sustained while performing the duties of the position and where the employee is eligible for workers' compensation.

Light Duty Assignment: The temporary assignment of an injured career service employee to a position requiring a different level of physical activity than the employee's regular position. The department head in cooperation with the Human Resources Director and based upon written advice of competent medical provider and business necessity determines if acceptable light duty work is available.

Medically Stationary: As defined in Oregon Workers' Compensation Law, medically stationary means no further material improvement would reasonably be expected from medical treatment or the passage of time.

Suitable: Under the State of Oregon's Administrative rules pursuant to ORS 659.A.043, a suitable job is one that is substantially similar to the former job in compensation, duties, responsibilities, skills, location, duration and shift for which the injured employee is qualified. Under ORS 659.A.046, a suitable job is one that the injured employee is physically capable of performing and is as similar as practicable to the former job in compensation, duties, responsibilities, skills, location, duration and shift. Substantially similar compensation is defined as the normal compensation the employer pays to others of the same education, skill and seniority who are employed to do that job. This compensation need not be at the same rate the injured employee was earning at the time of the injury, but must be in compliance with ORS 656 and the Worker's Compensations Division's Administrative Rules.

Policy: The City's temporary light/modified duty program is designed to provide employees, who are unable to perform their regular job duties, with temporary work during the period of medical recovery. Employees who are eligible to participate in this program are those injured worker's with an open Oregon workers' compensation claim. Human Resources will facilitate the injured worker's participation in the temporary light/modified duty program with assistance from the injured worker, their supervisor, attending physician and the workers' compensation carrier.

Guidelines

At the time of a work-related injury:

1. The injured worker's supervisor reviews the employee's responsibilities regarding on-the-job injuries with the employee. The supervisor may assist the injured worker with the completion of a workers'

compensation 801-claim form. The supervisor then submits the workers' compensation 801 claim form and the Supervisor's Accident Investigation form to HR, who will then contact the workers' compensation carrier.

2. Should the treating medical provider authorize time-loss, there is a three-day waiting period before workers' compensation benefits will begin.
3. To avoid loss of wages, inform your doctor that temporary light duty may be available and request a documentation of work restrictions.

When ready to return to work:

1. It is the injured worker's responsibility to report to his/her supervisor with a completed Release to Return to Work form after every physician visit. The supervisor will forward a copy of the completed Release to Return to Work form to HR, who will keep the workers' compensation carrier informed of the employee's status.
2. The supervisor reviews the Release to Return to Work form and identifies whether temporary light/modified duty work is available within the outlined restrictions provided by the attending physician. Consideration will be given to flexible hours, reduced lifting, and the use of a stool to eliminate standing, etc.
3. The definition of temporary light/modified duty is considered to be any work within the employee's temporary physical capacities, and is outlined on the Release to Return to Work form. All temporary light/modified duty positions must be approved by the Human Resources Department and are subject to the City of Milwaukie's business needs, which are determined at its sole discretion.
4. If the injured worker does not provide the completed Release to Return to Work form, the supervisor will notify HR. Human Resources may send the attending physician a written request for this information. An employee may not return to work following an injury that required time loss without a treating medical provider's release to return to work.
5. Once work status information has been obtained and a temporary light/modified job identified, the HR department in conjunction with the supervisor, will complete a Temporary Light/Modified Duty Job Analysis form. Once finalized, the analysis will be submitted to the attending physician for review. This may be done through the workers' compensation carrier. The supervisor will be notified of the decision.
6. Upon receipt of the attending physician's signed approval of the Temporary Light/Modified Duty Job Analysis, HR will provide the injured worker with a written notice of available employment of this position. This is done in the form of a Job Offer Letter delivered to the employee. The Job Offer Letter will be very specific and include the following:
 - Job title and a brief description of the job duties
 - Start date and the duration of the job
 - Hourly wage or wage rate
 - Where to report for work
 - Start time and length of time expected to work each day
 - The name of the person to report to
 - Work restrictions as required by the attending physician
 - A copy of the physician-approved temporary Job Analysis

A copy of the Release to Return to Work form and signed Temporary Light/Modified Duty Job Analysis should be attached. A copy is retained for the employee's workers' compensation case file.

7. Before the injured worker starts the temporary light/modified duty job, he/she will meet with the supervisor and review the job, paying close attention to the job duties and the treating physician's limitations. The supervisor should emphasize the need for the injured worker to perform the job duties and the limitations as prescribed by the attending physician. The supervisor will obtain the injured worker's signature on the Job Offer Letter.
8. In the event that the injured worker refuses to accept the temporary light/modified duty job offer, the supervisor will report this to HR, who will notify the workers' compensation carrier. The supervisor will forward the signed Job Offer Letter to HR. The HR department will forward a copy, along with a copy of the physician-approved Temporary Light/Modified Duty Job Analysis and most recent Release to Return to Work form, to the workers' compensation carrier.
9. The Workers' compensation carrier may question the employee's medical ability to do the job and arrange for an Independent Medical Examination (IME).
10. The temporary light/modified duty may end when one of the following occur:
 - The attending physician releases the injured worker to regular employment.
 - The workers' compensation claim is closed for the injured worker.
 - The injured worker has returned to other work, which is not considered part of the employer's Early Return to Work (ERTW) program.
 - The city has determined that business needs are not being served by the temporary light/modified duty work assignment.
11. The supervisor is responsible for monitoring the injured worker's participation in the temporary light/modified duty and for keeping track of the hours worked. These hours will be recorded as On Job Injury hours in Time entry. If there are any problems with participation in the temporary light/modified duty job, they should be reported immediately to HR who will discuss them with the injured worker and the attending physician and make further modifications if feasible.
12. If the attending physician adds any new restrictions and/or changes to the previously approved temporary light/modified duty job, the injured worker is responsible for providing the supervisor with written notice. The supervisor will provide HR with the recommendations of the necessary modifications.
13. Be sure that the HR department approves all changes to the temporary light/modified duty job. The HR department may send a second letter to the injured worker's attending physician to request approval of any recommended change.

Non Work Related Injuries: *If an employee suffers a non-occupational illness or injury and is released for light duty work by the treating physician, the City may place the employee in a temporary light duty assignment upon request of the employee. The employee must notify the supervisor of the nature of injury and request light duty based on a physician's written authorization for light duty, which specifies capability and restrictions. The City will identify light duty possibilities in an interactive process with the employee and Human Resources. Light duty assignments for off the job injuries will be based on availability and business necessity. An employee injured off the job will not be given preference to a light duty assignment over an employee injured on the job.*

Communication: *In the Return to Work Process, it is the responsibility of all participants (injured employee, supervisor, human resources) to immediately notify other participants of changes within a light or modified duty work situation.*

Length of Light Duty Assignment: *All light duty assignments are temporary. The length of each assignment is subject to departmental need and discretion. The maximum initial length is six (6) months. If the employee is still unable to return to regular duty after six (6) months the City may continue the assignment, reassign to a different light duty assignment, determine that the business needs of the City are no longer being met, and/or obtain an Independent Medical Examination or seek a medical layoff subject to the terms of the collective bargaining agreement. If it is found that an employee is medically stationary and unable to return to work then terms of the contract and/or provisions under Workers Compensation regulations will apply depending upon if it is a work related or non-work related injury. Where the contract is silent, if an employee is determined to be medically stationary and unable to return to work in the foreseeable future the City, will move to a medical layoff. The employee may be eligible for long term disability (LTD) based on the terms of the LTD policy in effect at the time.*

Responsibilities

Employees:

- Report immediately any on the job injury or accident to the supervisor. Waiting until the next work shift is not an acceptable practice.
- Complete an 801 form for the on the job injury if seeking medical attention.
- Complete a City incident accident report for the on the job injury or accident when not seeking medical attention.
- Provide a release to return to work signed by the treating physician to the supervisor prior to returning to work. An employee must report to work, on the next scheduled shift once they have received a release to return to full duty.
- If the treating medical provider releases the employee to return to work with modified restrictions, the employee must inform the supervisor of any physical restrictions or conditions and provide documentation of those restrictions.
- Once the employee has returned to work, if the restrictions change, the employee needs to report that immediately to the supervisor and provide supporting documentation from the treating physician.
- If unable to return to work for an extended period of time, contact the supervisor once a week to advise of status.

Supervisors:

- Complete the supervisor's report of any incident or accident at the time of occurrence.
- If the employee seeks medical treatment, ensure that an 801 form is completed and submitted to HR by the end of the shift.
- Advise Human Resources of any on the job injuries and communicate status of employee's injuries to Human Resources.
- Determine the appropriate work hours, shifts, duration and locations of all light duty assignments. Communicate these determinations with the employee and the Human Resources department
- Only assign work to the injured employee that falls within restrictions as outlined by the treating medical provider.
- Upon receipt of notice of an increase in physical capacities, the supervisor will reassess the ability to adjust work assignments.

Human Resources Staff:

- Upon receipt of an 801 form forward it to the workers' compensation carrier.

- Upon receipt of the attending physician's restrictions, work with the supervisor to find appropriate light duty work if available.
- Work with the supervisor and the worker's compensation carrier to facilitate the completion of a job analysis for the light duty work and obtain approval from the workers compensation carrier and physician for the assignment.
- In the event an employee refuses the light duty assignment, HR will notify the workers' compensation carrier.
- Prepare documentation to recover any wage subsidy or other benefits available from the workers' compensation carrier.

(A) Non-compensable injured career status employee

Career status employees suffering non-compensable injuries may be assigned, at the discretion of the department head and the Human Resources Director, to a temporary modified work duty position provided that such assignment does not place an undue risk on the employee, the City, or the public. An employee injured off the job will not be given preference to a light duty assignment over an employee injured on the job.

Injured Worker Reemployment Program

(A) Written notice

This program provides compensable injured workers with information and assistance in seeking reemployment when the injured worker has been medically released to return to work. The compensable injured worker must provide the Human Resources Director written notice that s/he wishes to be considered for reemployment within two workdays of the date s/he is released to return to work. That notice must be accompanied by a certificate from the attending physician, which describes the types of work which the worker is able to perform, and any physical limitations which may preclude the worker from, some types of work.

This program will be administered in compliance with ORS 659.415 through 659.420.

Eligibility: In order to be eligible for this benefit, the Worker's compensation claim must have been filed while the claimant was employed by the City.